

002

FILED

08 JAN 29 11:19 AM
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 0261

UNITED STATES OF AMERICA,

BY: *[Signature]*

Mag. Case Number: _____

Plaintiff,

COMPLAINT FOR VIOLATION OF

v.

Title 21, U.S.C., Sections 952 and 960
Importation of a Controlled Substance

Bernardo BALDERAS,

Defendants

The undersigned complaint being duly sworn states:

On or about January 28, 2008, within the Southern District of California, Bernardo BALDERAS did knowingly and intentionally import approximately 23.10 kilograms of Marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

[Signature]

SPECIAL AGENT
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29th DAY OF
January, 2008.

[Signature]
MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, Special Agent Derren Henderson, declare under penalty of perjury, the following is true and correct:

On January 28, 2008 at approximately 0230 hours, Bernardo BALDERAS attempted to make entry into the United States via the San Ysidro, CA, Port of Entry from the Republic of Mexico. BALDERAS was the driver of a Blue Mitsubishi Montero bearing California, United States license plates 3GGZ576. BERNARDO approached the Customs and Border Protection (CBP) Officer at the primary inspection booth and presented his California Driver's License as proof of identity. BERNARDO stated that he was the owner of the vehicle and has owned it for seven months. BALDERAS then gave a negative Customs Declaration and presented his keys and vehicle registration. The CBP Officer conducted a cursory inspection of the vehicle and noticed that the two rear tires felt solid when tapped. BERNARDO was escorted into the security office and the vehicle was taken to the secondary inspection area for further examination.

In the secondary inspection area, a Canine Enforcement Officer (CEO) utilized his Narcotic Detection Dog (NDD) and inspected the Mitsubishi. The NDD alerted to the vehicle for the presence of a narcotic odor.

In the secondary inspection area, CBP Officers conducted an X-Ray of the vehicle and noticed that the rear tires were more dense than the front tires. After a certified mechanic removed the rear tires, the CBP Officers discovered wrapped packages hidden within. A random sample of one of the packages revealed a green leafy substance that tested positive for marijuana. A total of 10 packages were removed from the tires, which had a weight of 23.10 kilograms.

U.S. Immigration and Customs Enforcement (ICE) Special Agents contacted BERNARDO and advised him that marijuana had been found in the vehicle and that he was under arrest. Reading from a pre-printed form, U.S. Immigration and Customs Enforcement (ICE) Special Agents read BERNARDO his Miranda Rights in the English language. BERNARDO stated that he understood his Miranda Rights and was willing to answer questions without the presence of an attorney.

BERNARDO stated that he was offered \$700 to deliver the marijuana-laden vehicle to the Trolley Station off 905 and Beyer Rd. After parking the Montero, he was told to take the keys back to Tijuana where he would be paid.

BERNARDO was arrested and transported to the Metropolitan Correctional Center, in San Diego, CA.

Executed on January 28, 2008



Special Agent, U.S. ICE